

PETITION FOR ZONING VARIANCE FROM AREA AND HEIGHT REGULATIONS

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Anthony & Barbara Hess, legal owners of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1 B02.3.C.1 to Permit sideyard setbacks of 6' instead of the required 10'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

Our Construction Loan has been approved and we are ready to build our home, also we need the extra room because of the size of our family.

ORDER RECEIVED FOR FILING

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract purchaser: Anthony Hess
Legal Owner: Barbara Hess
Address: 3221 Falt Avenue
Baltimore, Md. 21224
Home Phone: 327-2535
Petitioner's Attorney: Protestant's Attorney
Address: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 23th day of April, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 8th day of July, 1980 at 10:15 o'clock A.M.

(over)

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION: COMMENTS



BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3211

JOHN D. SEYFFERT
DIRECTOR

July 2, 1980

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #215, Zoning Advisory Committee Meeting, April 29, 1980, are as follows:

Property Owner: Anthony and Barbara Hess
Location: NE/S Charles Street 125' SE Kent Avenue
Acres: 0.172
District: 1st

This office has reviewed the subject petition and offers the following comment. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

This plan has been reviewed and there are no siting-planning factors requiring comment.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 27, 1980

COUNTY OFFICE BLDG.
111 N. Chesapeake Ave.
Towson, Maryland 21204

Mr. & Mrs. Anthony Hess
3221 Falt Avenue
Baltimore, Maryland 21224

RE: Item: 215
Petitioners - Anthony Hess, et ux
Variance Petition

Dear Mr. & Mrs. Hess:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the date of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

Nicholas B. Commodari
NICHOLAS B. COMMODARI
Chairman
Zoning Plans Advisory Committee

NBC:hk

Enclosures



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

June 19, 1980

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #215 (1979-1980)
Property Owner: Anthony & Barbara Hess
N/S Charles St. 125' S/E Kent Ave.
Existing Zoning: NR 5.5
Proposed Zoning: Variance to permit side setbacks of 6' in lieu of the required 10'.
Acres: 0.172 District: 1st

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

General:

This property comprises Lots 7, 8 and 9, Block 18, Plat No. 2, Catonsville Manor, recorded W.P.C. 6, Folio 116.

Highways:

Charles Street and Kent Avenue, existing public roads shown on the aforesaid recorded plat, are proposed to be improved in the future as 30-foot closed section roadways on the existing 40-foot right-of-way. Charles Street is unimproved from Kent Avenue southwesterly approximately 300 feet, including the frontage of this property. Highway right-of-way, including any necessary reversible easements for slopes will be required in connection with development of this property.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Item #215 (1979-1980)
Property Owner: Anthony & Barbara Hess
Page 2
June 19, 1980

Water and Sanitary Sewer:

An 8-inch public water main exists in Kent Avenue (Drawing #55-0971, File 3) and in Charles Street (Drawing #66-0123, File 3).

An 8-inch public sanitary sewer exists in Kent Avenue (Drawing #75-1197, File 1).

Very truly yours,

Ellsworth N. Diver
ELLSWORTH N. DIVER, P.E.
Chief, Bureau of Engineering

END:EAM:FWR:ss

cc: J. Wimbley, J. Somers

L-SE Key Sheet
2 NW 22 Pos. Sheet
NE 1 F Topo
95 Tax Map



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC ENGINEERING
TOWSON, MARYLAND 21204
13011 494 3550

STEPHEN E. COLLINS
DIRECTOR

June 12, 1980

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

This department has no comment for the following items:
Numbers 210, 211, 212, 215, and 216.

Very truly yours,

Michael S. Flanigan
Michael S. Flanigan
Engineer Associate II

MSF/mjm



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

June 4, 1980

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #215, Zoning Advisory Committee Meeting of April 29, 1980, are as follows:

Property Owner: Anthony & Barbara Hess
Location: NE/S Charles St. 125' SE Kent Ave.
Existing Zoning: D.R. 5.5
Proposed Zoning: Variance to permit side setbacks of 6' in lieu of the required 10'.
Acres: 0.172
District: 1st

Metropolitan water and sewer are available; therefore, no health hazards are anticipated.

Very truly yours,

Ian J. Forrest
Ian J. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

IJF/zh

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts that strict compliance with the Baltimore County Zoning Regulations would result in practical difficulty and unreasonable hardship upon the Petitioner(s), the Variance(s) should be had; and it further appears that the granting of the Variances requested will not adversely affect the health, safety, and general welfare of the community; and, therefore,

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 31st day of July, 1980, that the herein Petition for Variances to permit side yard setbacks of six feet in lieu of the required ten feet, for the expressed purpose of constructing the Petitioners' residence, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

1. The Petitioners shall retain and maintain as much of the natural ground cover as is possible along the northerly side lot line.
2. The down spouts serving the rain gutters shall be located on the southerly side of the dwelling.
3. Any grading required shall not alter or change the presently existing natural flow of surface water.
4. Approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of failure to show practical difficulty and/or unreasonable hardship, the Variance(s) should not be granted. IT IS ORDERED by the Zoning Commissioner of Baltimore County, this day of August, 1980, that the herein Petition for the Variance(s) to permit



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7010

PAUL H. REINCKE
CHIEF

May 29, 1980

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Commodari, Chairman
Zoning Plans Advisory Committee

Re: Property Owners: Anthony & Barbara Hess

Location: NE/S Charles Street 125' SE Kent Avenue

Item No: 215 Zoning Agenda: Meeting of April 29, 1980

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "x" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals of feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- () 2. A second means of vehicle access is required for the site.

- () 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operations.

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- () 6. Site plans are approved as drawn.

- () 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nick Commodari Date: May 19, 1980
FROM: Charles E. Burnham
SUBJECT: Zoning Advisory Meeting - April 29, 1980

ITEM NO.		Standard Comment
210		Standard Comment
211		Standard Comment
212		Standard Comment
213		See Comments
214		See Comments
215		Standard Comment
216		Standard Comment
217		See Comments
218		See Comments
119		Revised - See Comments
157		Revised - See Comments

Charles E. Burnham
Charles E. Burnham
Plans Review Supervisor

CEB:rrj

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert V. Dubel, Superintendent

Towson, Maryland - 21204

Date: April 23, 1980

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: April 29, 1980

RE: Item No: 210, 211, 212, 213, 214, 215, 216, 217, 218
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

All of the above have no bearing on student population.

Very truly yours,

Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

PETITIONER'S EXHIBIT 4

NO TITLE SEARCH REQUESTED OR PERFORMED
CONSIDERATION TO BE TAXED: \$1,000.00

DEED OF A RIGHT OF WAY - EASEMENT AND AGREEMENT

This Deed and Agreement, made this 29th day of October, 1979, by and between YVONNE MARSHALL, of State of Maryland, party of the first part, and EDWARD M. LUPO and MARGIE J. LUPO, his wife, party of the second part.

WHEREAS, YVONNE MARSHALL, is the owner of a lot of ground more particularly described in a deed dated October 28, 1977, and recorded among the Land Records of Baltimore County, Maryland, in Liber 5821, folio 596, et seq., from VERNON C. CLIFFORD and DEBBIE R. CLIFFORD, his wife; and

WHEREAS, the adjacent property to that of the party of the first part is owned by EDWARD M. LUPO and MARGIE J. LUPO, his wife, by deed dated the twenty-fourth day of August, 1978, and recorded among the Land Records of Baltimore County, Liber 5944, folio 522, et seq., from J. YVONNE MARSHALL; and

WHEREAS, the party of the second part desire to construct, operate, and maintain sewers, drains, water pipes and water mains in and across the land hereinafter described; and

Whereas, the said party of the first part, by this Agreement, desires to grant to the party of the second part a right of way and easement as hereinafter described to accomplish the purposes herein stated; and

WHEREAS, the said party of the first part, by this Agreement, desires to grant to the party of the second part, a right of way for ingress and egress over the land owned by them during the period of construction of any sewer lines and any municipal utilities and appurtenances and during the period necessary to disrupt the subject land for repair to any sewer lines or municipal utilities and appurtenances;

NOW, THEREFORE, this Agreement witnesseth that in consideration of the sum of ONE THOUSAND Dollars (\$1,000.00), receipt of same is hereby acknowledged,

NECANTY & MULLALLY
ATTORNEYS & COUNSELLORS
AT LAW
401 FREDERICK ROAD
CATONSVILLE, MD.
21038

and other good and valuable considerations, the said J. YVONNE MARSHALL, party of the first part, does grant to EDWARD M. LUPO and MARGIE J. LUPO, his wife, party of the second part, as tenants by the entireties, their heirs and assigns, the survivor of them and said survivor's heirs and assigns, the right to lay, construct, operate, maintain sewers, drains, water pipes, equipment and other municipal utilities and services in and through the land of the party of the first part, situate in Baltimore County, State of Maryland, said sewers, drains, water pipes and other municipal utilities and services to be laid in the easement and right of way which is described as follows:

Situate in the First Election District of Baltimore County, Maryland, and

Beginning for the same on the southwest side of Harford Avenue at a point distant 125 feet from the intersection of the southwest side of Harford Avenue and the southeast side of Kent Avenue, said place of beginning also being the Northeasternmost corner of Lot #66, Block 18 as shown on Plat 3 of "CATONSVILLE MANOR" which plat is recorded among the Land Records of Baltimore County in Plat Book W.P.C. #6, Folio 128. Running thence parallel with Kent Avenue and binding on the Northernmost side of the aforementioned Lot #66 (1) South 53 degrees, 50 minutes West 125.00 feet to an iron pipe found on the division line between Lot #66 Block 18, Plat 3 of "CATONSVILLE MANOR" and Lot #7 Block 18, Plat 2 of "CATONSVILLE MANOR" (said Plat 2 being recorded among the Land Records of Baltimore County in Plat Book W.P.C. #6, Folio 116). Thence running and binding on said division line (2) South 36 Degrees 10 minutes East 10.00 feet thence running through Lot #66 and parallel to the 1st herein described line, (3) North 53 degrees 50 minutes East 125.00 feet to the Southwest side of Harford Avenue and binding on the Southwest side of Harford Avenue (4) North 36 degrees 10 minutes West 10 feet to the place of beginning.

BEING a 10 foot strip of land through Lot #66 Block 18 of Plat 3 "CATONSVILLE MANOR" for use by the owners of Lots #7 thru #10, Block 18 of Plat 2 "CATONSVILLE MANOR" as an easement for drainage and utilities.

FOR Registered Surveyor's description and plat, see same prepared by DAVID E. WILDER, Registered Surveyor, dated

November 7, 1979, attached hereto and made a part hereof.

AND the party of the first part does hereby grant to EDWARD M. LUPO and MARGIE J. LUPO, his wife, the party of the second part, as tenants by the entireties, their heirs and assigns, the survivor of them and said survivor's heirs and assigns, the right and privileges of ingress and egress upon the aforesaid land, whenever it may be necessary, to make openings and excavations, and to lay, construct and maintain said sewers, drains, water pipes, equipment and other municipal utilities and services, provided, however, that the ground shall be restored and left in good condition; and it is further agreed that no buildings or similar structures of any kind shall be erected in, on or over the said easement by any of the parties hereto, their heirs, personal representatives, successors and assigns; nor shall the existing grade be changed without prior approval of the party of the first part.

TOGETHER with the right of access at all times to the right of way and easement herein described to make the necessary openings and excavations for the purpose of examining, repairing, replacing, altering or extending the sewer lines, drains, water pipes, equipment and other municipal utilities to be installed in the said right of way.

TOGETHER with the right of ingress and egress during the period of time that the said party of the second part, their heirs and assigns, are constructing the sewer lines, drains, water pipes, equipment and other municipal utilities over the laid land of the party of the first part and during the period of time necessary to repair said line(s).

TO HAVE AND TO HOLD said right of way and easement hereinabove described to the said party of the second part, as tenants by the entireties, their heirs and assigns, the survivor of them and said survivor's heirs and assigns, for and during the period of construction and during the period of any repair of the sewer lines, drains, water pipes, equipment and other municipal utilities.

AS WITNESS the hands and seals of the parties hereto.

WITNESSES:
[Signature] (SEAL)
[Signature] (SEAL)
[Signature] (SEAL)
MARGIE J. LUPO

NECANTY & MULLALLY
ATTORNEYS & COUNSELLORS
AT LAW
401 FREDERICK ROAD
CATONSVILLE, MD.
21038

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
NE/S of Charles Street, 125' : OF BALTIMORE COUNTY
SE of Kent Avenue, 1st District :
ANTHONY HESS, et ux, Petitioners : Case No. 81-7-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

John W. Hession, III
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 20th day of June, 1980, a copy of the foregoing Order was mailed to Mr. and Mrs. Anthony Hess, 3221 Fair Avenue, Baltimore, Maryland 21224, Petitioners.

John W. Hession, III
John W. Hession, III

ORDER RECEIVED FOR FILING

DATE August 1, 1980
Mary E. Zimmerman, Clerk
Zoning Commission

STATE OF MARYLAND, COUNTY OF _____, to wit:
I HEREBY CERTIFY that on this 29th day of October,
1979, before me, the subscriber, a Notary Public of the
State of Maryland, in and for the County of _____,
personally appeared J. YVONNE MARSHALL,
and acknowledged the foregoing to be her act.
AS WITNESS my hand and Notarial Seal.

Notary Public
My Commission Expires: _____

STATE OF MARYLAND, COUNTY OF NOTHING, to wit:
I HEREBY CERTIFY that on this 29th day of October,
1979, before me, the subscriber, a Notary Public of the
State of Maryland, in and for the County of _____,
personally appeared Edward M. Lupo & Margie J. Lupo,
and acknowledged the foregoing to be their act.
AS WITNESS my hand and Notarial Seal.

Notary Public
My Commission Expires: 11/1/80

STATE OF MARYLAND, COUNTY OF _____, to wit:
I HEREBY CERTIFY that on this _____ day of _____,
19____, before me, the subscriber, a Notary Public of the
State of Maryland, in and for the County of _____,
personally appeared _____,
and acknowledged the foregoing to be his act.
AS WITNESS my hand and Notarial Seal.

Notary Public
My Commission Expires: _____

-4-

DON LYNCH & ASSOCIATES, INC.

CONSTRUCTION LAYOUT
THE PENTHOUSE - UNIT 1706
28 ALLEGHENY AVENUE
TOWSON, MARYLAND 21204
TEL.: 254-5059

DESCRIPTION
10' Easement

Beginning for the same on the southwest side of Harford Avenue at
a point distant 125 feet from the intersection of the southwest side
of Harford Avenue and the southeast side of Kent Avenue, said place
of beginning also being the Northeasternmost corner of Lot #66, Block
18 as shown on Plat 3 of "CATONSVILLE MANOR" which plat is recorded
among the .and Records of Baltimore County in Plat Book W.P.C. #6,
Folic 128. Running thence parallel with Kent Avenue and binding on
the Northernmost side of the aforementioned Lot #66 (1) South 53
degrees, 50 minutes West 125.00 feet to an Iron pipe found on the
division line between Lot #66 Block 18, Plat 3 of "CATONSVILLE MANOR"
and Lot #7 Block 18, Plat 2 of "CATONSVILLE MANOR" (said Plat 2 being
recorded among the Land Records of Baltimore County in Plat Book
W.P.C. 6, Folio 116). Thence running and binding on said division
line (2) South 36 degrees 10 minutes East 10.00 feet thence running
through Lot #66 and parallel to the 1st herein described line, (3)
North 53 degrees 50 minutes East 125.00 feet to the Southwest side of
Harford Avenue and binding on the Southwest side of Harford Avenue
(4) North 36 degrees 10 minutes West 10.00 feet to the place of
beginning.

Being a 10 foot strip of land through Lot #66 Block 18 of Plat
3 "CATONSVILLE MANOR" for use by the owners of Lots #7 thru #10,
Block 18 of Plat 2 "CATONSVILLE MANOR" as an easement for drainage
and utilities.



David C. Wilkin

11/7/79

PETITIONER'S
EXHIBIT 3

AGREEMENT made 9/1/79, between YVONNE MARSHALL &
(herein referred to as MARSHALLS),
of Margie J. Lupo
and EDWARD M. LUPO (herein referred to as LUPOS),
of _____

RECITALS

1. The parties have an interest in adjoining real estate
situated in the County of Baltimore, State of Maryland, and
described, respectively, as follows: Deed reference for the
Marshall property is Liber 5821, Folio 596 et seq; and, deed
reference for the Lupo property is Liber 5861, folio 869 et seq.
2. The parties to this agreement desire to create an
easement for sewer and water mains purposes over and across the
property owned by the Marshalls and described as follows:
North east portion of said Marshall property (the exact location
thereof to be established by a registered survey to be conducted
at the LUPOS' expense)

The parties agree as follows:
SECTION ONE
CONVEYANCE OF EASEMENT

MARSHALLS hereby agree to grant and convey to LUPOS an
easement for the right to instal, repair, maintain, alter, and
operate sewers, storm drains, and water mains, in, into, upon,
over, across, and under a strip of land not to exceed ten (10)
feet in width along the N/E lot lines of the Marshall
property hereinabove described. Additionally, MARSHALLS hereby
grant, remise and relinquish unto LUPOS, their successors
and assigns, the right, privilege, and easement to use and occupy
temporarily, during the initial construction of the sewer and
water main lines, and appurtenances thereto belonging, for the
accommodation of construction equipment, materials, and excavated
earth, over and across the North east portion of the MARSHALL
property (the exact location thereof to be established by a
registered survey to be conducted at the LUPOS' expense)

MCCARTY & MCCARTY
ATTORNEYS & COUNSELLORS
AT LAW
401 FREDERICK ROAD
CATONSVILLE, MD.
21228

SECTION TWO
CONSTRUCTION AND MAINTENANCE

The sewer and water main construction described above shall
be constructed and maintained in good repair by LUPOS, their
heirs or assigns, at their sole cost and expense.

SECTION THREE
CONSIDERATION

LUPOS agree to pay MARSHALLS the sum of ONE THOUSAND DOLLARS
(\$1,000.00) for this easement, of which the sum of FIVE DOLLARS
(\$5.00) have been paid prior to the signing of this Agreement.
The balance of the payment shall be made upon the completion of
the sale of the LUPO property, by the LUPOS to their prospective
purchasers. Thereupon, LUPOS shall tender final payment to
MARSHALLS, or their heirs or assigns, and MARSHALLS, or their heirs
and/or assigns, shall grant and convey by special warranty deed the
aforesaid easement upon said payment. The obligation of LUPOS
to pay MARSHALLS this amount of money is conditioned on MARSHALLS
having legal right, in the opinion of Federal, State, and/or
County authorities, to grant the easement to LUPOS.

SECTION FOUR
EASEMENT TO RUN WITH THE LAND

This grant of easement shall run with the land and shall be
binding on and shall inure to the benefit of the parties hereto,
their heirs, successors, or assigns.

IN WITNESS WHEREOF, the parties have executed this Agreement
the day and year first above written.

TEST:
[Signature] (SEAL)
[Signature] (SEAL)
[Signature] (SEAL)

-2-

RE: PETITION FOR VARIANCE : BEFORE
from Section 1802.3.C.1 : COUNTY BOARD OF APPEALS
of the Baltimore County :
Zoning Regulations :
NE/S Charles Street 125' : OF
SE of Kent Avenue : BALTIMORE COUNTY
1st District :
Anthony Hess, et ux :
Petitioners : No. 81-7-A

ORDER OF DISMISSAL

Petition of Anthony Hess, et ux, for variance from Section 1802.3.C.1
of the Baltimore County Zoning Regulations (side yard setbacks) on property located on the
northeast side of Charles Street 125 feet southeast of Kent Avenue, in the First District of
Baltimore County.

WHEREAS, the Board of Appeals is in receipt of a letter of withdrawal of
petition filed September 15, 1980 (a copy of which letter is attached hereto and made a
part hereof) from the Petitioners in the above entitled matter.

WHEREAS, the said Petitioners request that the petition filed on behalf of
said Petitioners be withdrawn as of September 15, 1980.

IT IS HEREBY ORDERED this 17th day of September, 1980, that said
petition be and the same is DISMISSED.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Walter A. Reiter, Jr., Chairman

William T. Hackett
William T. Hackett

LeRoy B. Spurrier
LeRoy B. Spurrier

To Board of Appeals
Baltimore County

We, Anthony and Barbara
Hess Petitioners, do withdraw our
petition for a variance for 6'
side setbacks instead of the
required 10'. On the NE side of
Charles St. 125' S.E. of Kent Ave.
1st Election District of Balto Co.
Case 81-7-A.

Anthony P. Hess
Barbara P. Hess

RECEIVED
BALTIMORE COUNTY
SEP 15 2 47 PM '80
COUNTY BOARD
OF APPEALS
BY _____

September 5, 1980

Mr. & Mrs. Anthony Hess
3221 Pait Avenue
Baltimore, Maryland 21224

RE: Petition for Variance
NE/S of Charles Street, 125' SE of
Kent Avenue
Anthony Hess, et ux - Petitioners
Case No. 81-7-A

Dear Mr. & Mrs. Hess:

Please be advised that an Appeal has been filed by Mr. John
J. Chesner, Protestant, from the decision rendered by the Zoning
Commissioner of Baltimore County in the above-referenced matter.

You will be notified of the date and time of the appeal
hearing when it is scheduled by the County Board of Appeals.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH:sj

cc: Mr. Fred S. Goldsmith, III
15134 Kent Avenue
Baltimore, Maryland 21207

Mr. Arthur W. Sorensen
1320 Kent Avenue
Baltimore, Maryland 21207

John W. Hessian, III, Esquire
People's Counsel

PETITION FOR VARIANCE
1st District

ZONING: Petition for Variance for side yard setback
LOCATION: Northeast side of Charles Street, 125 feet Southeast of Kent Avenue
DATE & TIME: Tuesday, July 8, 1980 at 10:15 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and
Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to permit a side yard setback
of 6 feet in lieu of the required 10 feet

The Zoning Regulation to be excepted as follows:

Section 1802.3.C.1 - Development Standards for Small Lots or Tracts

All that parcel of land in the First District of Baltimore County

Being the property of Anthony Hess, et ux, as shown on plat plan filed with the
Zoning Department

Hearing Date: Tuesday, July 8, 1980 at 10:15 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

FEB 17 1981

Zoning Commission
County Office Building
Towson, Maryland 21204

We the below listed parties wish to appeal the Order of Commissioner Hammond granting a variance to Anthony Hess (No. 81-7-A, Item No. 215) on July 31, 1980. We believe that Mr. Hess made certain false or misleading statements to Commissioner Hammond during the hearing of July 8, 1980 (attended by Mr. Fred Goldsmith and Mr. John Chesner):

1. The petitioner, Mr. Hess, stated that he was not aware of what size house he could build on the lots he purchased from Mr. Edward Lupo. In fact, Mr. Lupo has stated that he thoroughly explained to him the property limitations and especially the 10' set offs required by County Zoning at the time Mr. Hess acquired the land.
2. Mr. Hess stated to Commissioner Hammond that Mr. Lupo had only 100' of property on which only one more house could have been built. In fact, Mr. Lupo had 120' on which two more homes could have been built.
3. Mr. Hess lead us and the commissioner to believe that he had already paid \$1000 to a neighbor, Mrs. Marshall, for an easement right across her property. In fact, Mr. Lupo paid Mrs. Marshall for that right.
4. Also due to the fact that there was no posted sign of the hearing at the end of Mr. Lupo's property, he was not aware of the hearing. He only found out about it from his neighbors one day before it. Due to the short notice, he could not get off work for it. We further believe that the reasons the Commissioner stated for granting the variance are not compelling or justify the exception.

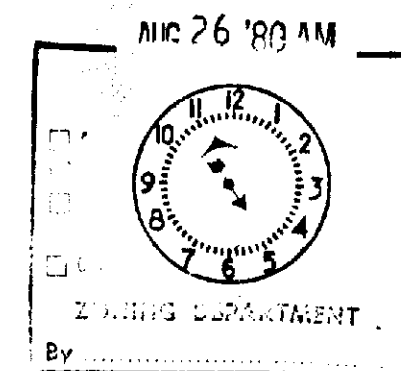
While it may be true that strict compliance with the Zoning Regulations may result in some practical difficulty, it would not work an unreasonable hardship on Mr. Hess. It is Mr. Hess' responsibility, as it is all Baltimore County builders, to design a home that meets County Regulations. Mr. Hess deliberately chose a design that did not. In point of fact, there are other configurations that Mr. Hess could use that would meet County Regulations and still provide approximately the same room for his family, which presently numbers three individuals. Finally, granting the variance does effect the general welfare of the community. The Catonsville Manor area has numerous small homes on small lots that are tightly packed together. Placing a home six feet instead of ten from the grounds of Mr. Chesner and Mr. Goldsmith unnecessarily crowds them and contributes to this overall problem. There is no compelling reason why this variance should be granted.

Edward M. Lupo
5932 Charles Street
Baltimore, MD 21207
Edward M. Lupo

Fred S. Goldsmith III
13135 Kent Avenue
Baltimore, MD 21207
Fred S. Goldsmith III

John E. Long Jr.
1317 Kent Avenue
Baltimore, MD 21207
John E. Long Jr.

John J. Chesner
1315 Kent Avenue
Baltimore, MD 21207
John J. Chesner



Variance Description

Beginning on the northeast side of Charles Street at a point 125' southeast of Kent Avenue and known as lots 7, 8 & 9 as shown on plat of Catonsville Manor which is recorded in land records of Baltimore County in Liber 6 Folio 116.

494-3180

County Board of Appeals
Room 219, Court House
Towson, Maryland 21204
September 17, 1980

Mr. and Mrs. Anthony Hess
3221 Falt Avenue
Baltimore, Md. 21224

Re: Case No. 81-7-A
Anthony Hess, et ux

Dear Mr. and Mrs. Hess:

Enclosed herewith is a copy of the Order of Dismissal of Petition passed today by the County Board of Appeals in the above entitled case.

Very truly yours,

Edith T. Eisenhart
Edith T. Eisenhart, Adm. Secretary

Encl.

cc: Mr. John Chesner
Mr. Fred S. Goldsmith, III
Mr. Arthur W. Sorensen
Mr. Edward M. Lupo
Mr. John E. Long, Jr.
John W. Hesston, III, Esq.
Mr. W. E. Hammond
Mr. J. E. Dyer
Mr. J. Haswell

Mr. & Mrs. Anthony Hess
3221 Falt Avenue
Baltimore, Maryland 21224

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 29th day of April, 1980.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner: Anthony Hess, et ux

Petitioner's Attorney

Reviewed by: *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 1st Date of Posting: June 20, 1980
Posted for: PETITION FOR VARIANCE
Petitioner: ANTHONY HESS, et ux
Location of property: NE/S CHARLES STREET, 125' SE OF KENT AVENUE
Location of Signs: #1 (Location SGN) N/S CHARLES ST. AT S/S KENT AVE.
#2 NE/S CHARLES ST. 150' SE OF KENT AVE.
Remarks: *Deborah T. Roland*
Posted by: *Deborah T. Roland* Date of return: June 27, 1980
Number of Signs: Two

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>MBL</i>										
Previous case: <i>—</i>										
Revised Plans: Change in outline or description										

To whom it may concern;
I have no objections to Mr. Hess
on his variance for side set-backs of
6 ft instead of the required 10 ft.

Mr. K. Wilfong
1313 Kent Ave

PETITIONER'S
EXHIBIT 1

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <i>MBL</i>										
Previous case: <i>—</i>										
Revised Plans: Change in outline or description										

215

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this 18 day of April, 1980.
Filing Fee \$ 25 Received: *check*
Cash
Other

215

Petitioner: Hess

Submitted by: Hess

Petitioner's Attorney

Reviewed by: *MBL*

*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF PUBLICATION

TOWSON, MD. June 19, 1980
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., 21204, of one (1) page, before the 8th day of July, 1980, the first publication appearing on the 15th day of June 1980.

L. Frank Smith
THE JEFFERSONIAN
Manager

Cost of Advertisement, \$

PETITION FOR VARIANCE
ZONING: Petition for Variance for side yard setback
LOCATION: Northeast side of Charles Street, 125 feet Southeast of Kent Avenue
DATE & TIME: Tuesday, July 8, 1980 at 6:00 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the petition for variance to permit a side yard setback of 6 feet in lieu of the required 10 feet.
The Zoning Regulations to be excepted as follows:
Section 1908.2.C.1 - Development Standards for Small Lots or Tracts
All that parcel of land in the First District of Baltimore County, beginning on the northeast side of Charles Street at a point 125' southeast of Kent Avenue and known as lots 7, 8 & 9 as shown on plat of Catonsville Manor which is recorded in land records of Baltimore County in Liber 6 Folio 116.
Being the property of Anthony Hess, et ux, as shown on plat filed with the Zoning Department on June 18, 1980.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland
By Order of
WILLIAM E. HAMMOND,
Zoning Commissioner
of Baltimore County
June 18

PETITIONER'S
EXHIBIT 2

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCIAL SERVICES DIVISION
MISCELLANEOUS CASH RECEIPT
No. 008871

DATE: June 11, 1980 AMOUNT: \$1.62
RECEIVED: Anthony E. Hess
Filing Fee for Case No. 81-7-A
2500.00

I, Edward Supo owner of
 Property number 01-18-351360
 Lot 10, Map 095-08-00189
 is against having any building
 being no closer than 10 ft
 to my property. I protest
 this variance on case number
 81-7-A to permit a sideyard
 set back of 6 ft in lieu of the
 Required 10 ft.

Edward M. Supo
 PROTESTANT'S
 PETITIONER'S
 EXHIBIT 1

witness
 John J. Chesner

81-7-A
 (Item No. 215)
 1st Dis.
 116 S Charles St., 125'
 SE of Kent Avenue
 Anthony Hess, et ux
 2 SIGNS

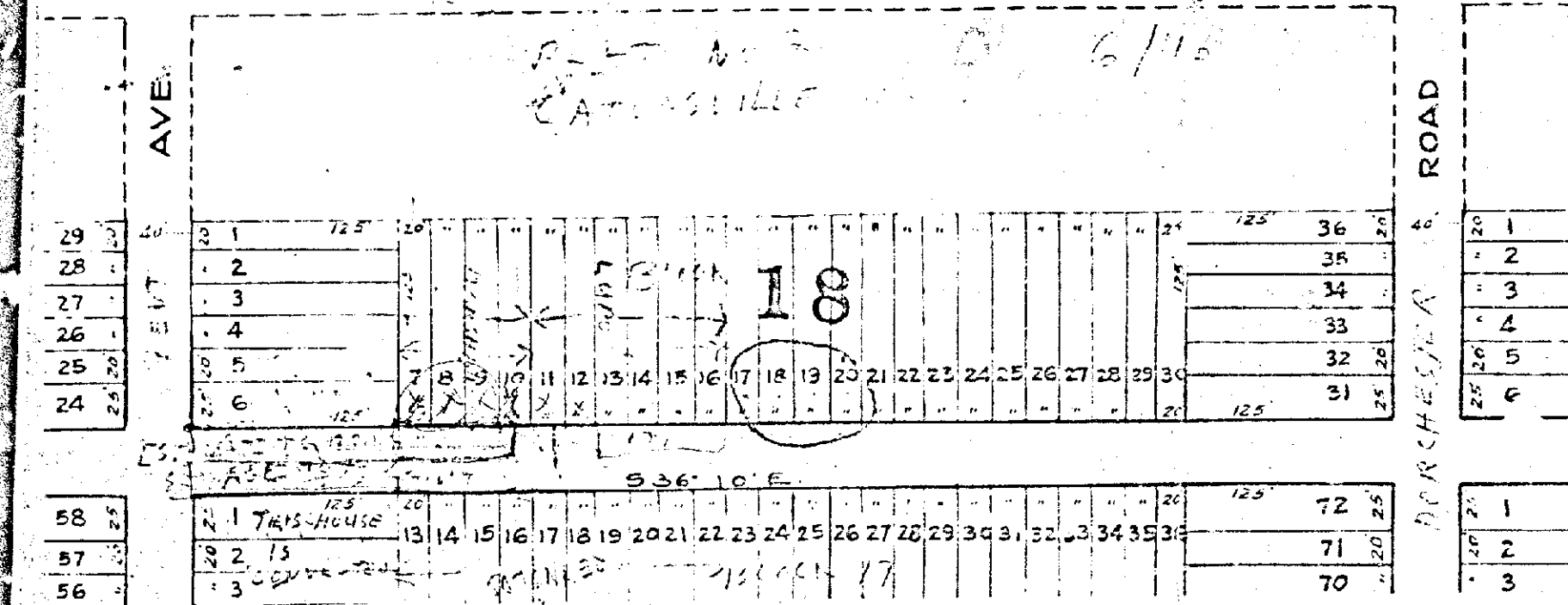


CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

at
 District: APPEAL Date of Posting: Sept. 11, 1980
 Petitioner: ANTHONY HESS, et ux
 Location of property: NE/S. CHARLES ST. 125' SE OF KENT AVENUE.
 Location of Signs: LOCATION SIGN - E/S KENT AVE. AT N/S CHARLES ST.
@ NE/S. CHARLES ST. 150' +/- SE OF KENT AVE.
 Remarks:
 Posted by: Edward L. Boland Date of return: Sept.
 Number of Signs: Two

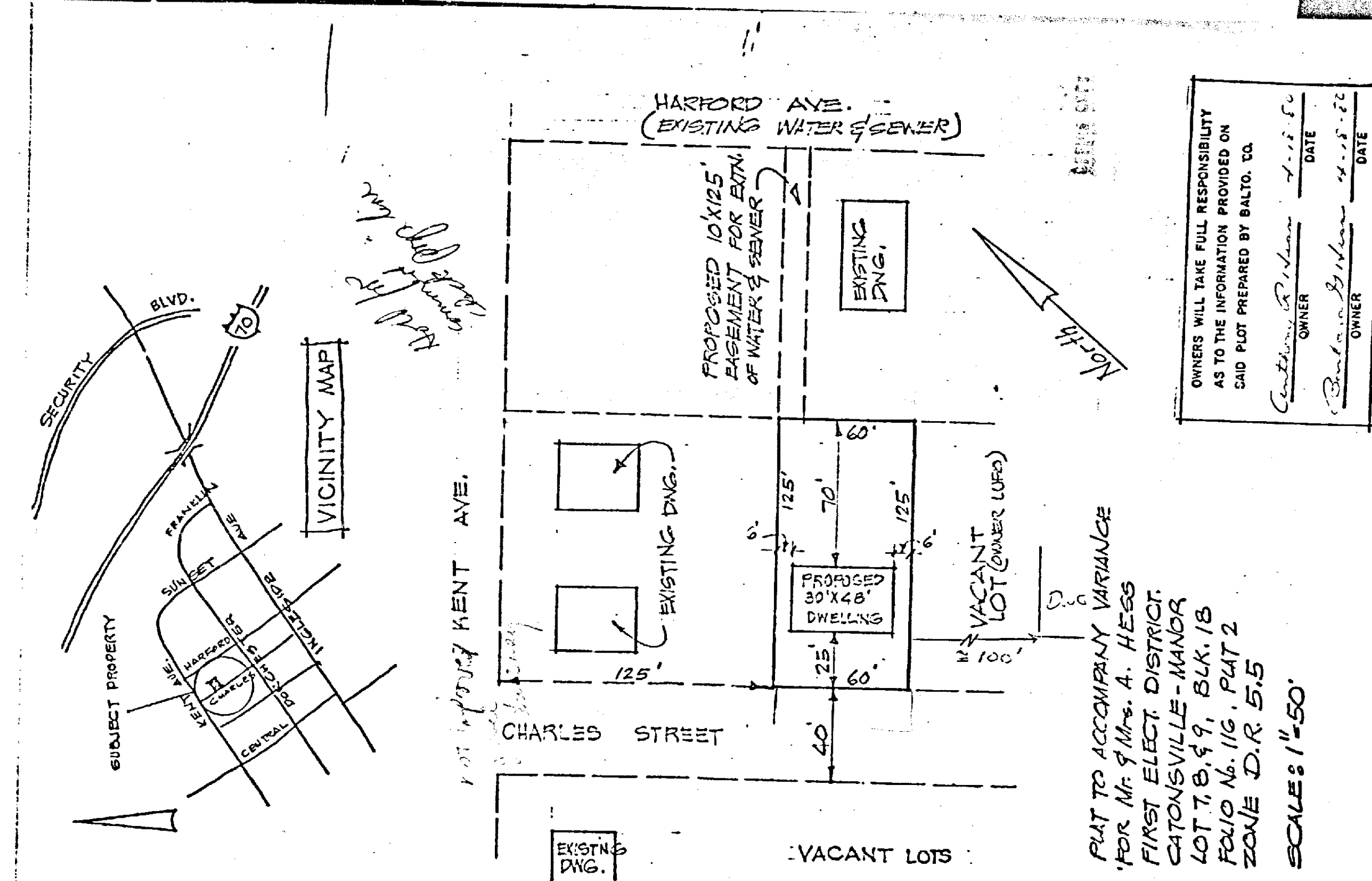
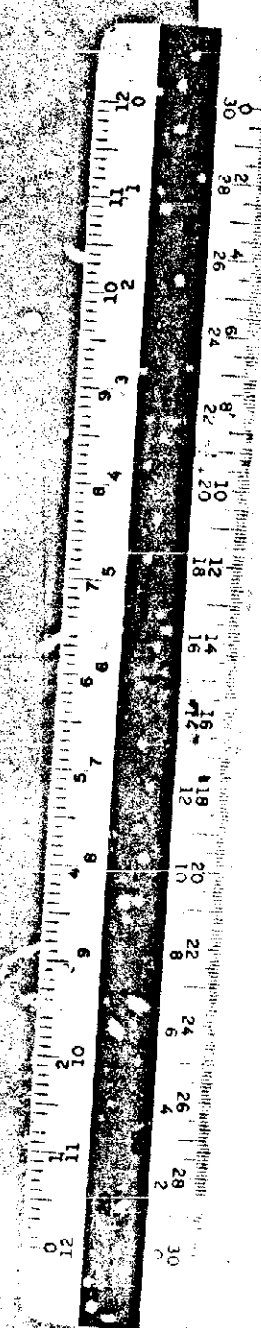
BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE & REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 TO: July 8, 1980 ACCOUNT: 01-662 No. 089625
 FROM: Anthony R. Hess AMOUNT: \$10.92
 FOR: Advertising and Posting for Case No. 81-7-A

BALTIMORE COUNTY, MARYLAND
 OFFICE OF FINANCE & REVENUE DIVISION
 MISCELLANEOUS CASH RECEIPT
 TO: September 5, 1980 ACCOUNT: 01-662 No. 091727
 FROM: John J. Chesner AMOUNT: \$15.00
 FOR: Filing Fee for Appeal of Case No. 81-7-A



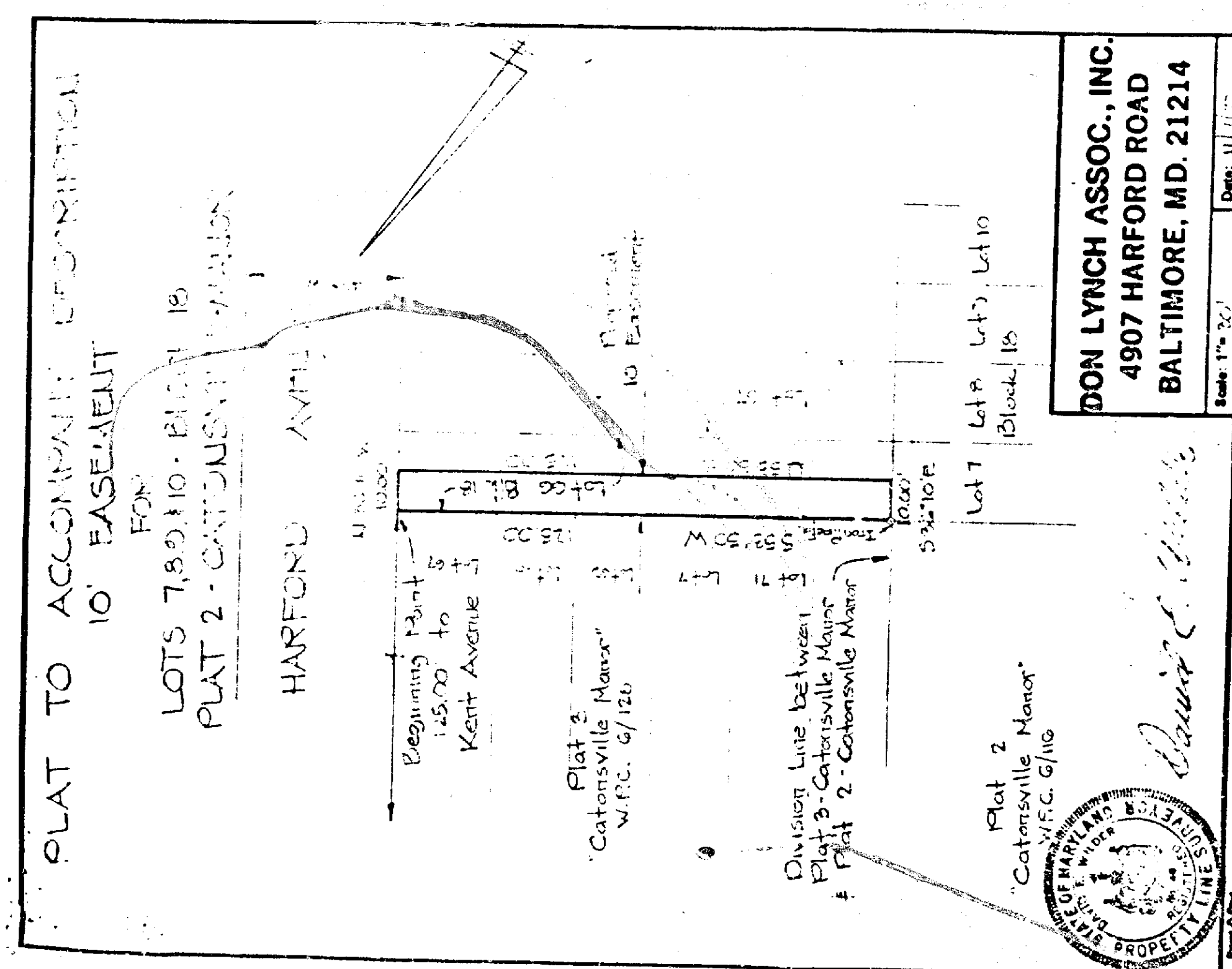
PETITIONER'S
 EXHIBIT 5

Zone D.R. 5.5
 min lot - 60' x 100'
 set back 35' from
 30' on rear
 10' on left



OWNERS WILL TAKE FULL RESPONSIBILITY
 AS TO THE INFORMATION PROVIDED ON
 SAID PLAT PREPARED BY BALTO. CO.
 OWNER: Anthony R. Hess DATE: 7-11-80
 OWNER: John J. Chesner DATE: 9-11-80

PLAT TO ACCOMPANY VARIANCE
 FOR Mr. & Mrs. A. HESS
 FIRST EJECT DISTRICT
 CATONSVILLE-MANOR
 LOT 7, 8, 9, B.LK. 1B
 FOLIO No. 116, PAT 2
 ZONE D.R. 5.5
 SCALE: 1"=50'



DON LYNCH ASSOC., INC.
 4907 HARFORD ROAD
 BALTIMORE, MD. 21214
 Scale: 1"=20' Date: 11/11/80

